



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Street address: 629 East Main Street, Richmond, Virginia 23219

Mailing address: P.O. Box 1105, Richmond, Virginia 23218

Fax (804) 698-4500 TDD (804) 698-4021

www.deq.virginia.gov

L. Preston Bryant, Jr.
Secretary of Natural Resources

David K. Paylor
Director

(804) 698-4000
1-800-592-5482

August 30, 2007

MEMORANDUM

TO: The Honorable Viola O. Baskerville
Secretary of Administration

THROUGH: Michael P. Murphy
Director, DEE

FROM: Ellie Irons
EIR Manager

SUBJECT: Comments on the State Environmental Impact Report concerning the Recreational Sports-Capital Improvements and Acquisition-911 Green Alley, Monroe Park Campus, Virginia Commonwealth University, City of Richmond (Agency Code 236, Project Codes 17405-001 & 17037-007, DEQ 07-106S)

The Department of Environmental Quality hereby submits the enclosed comments concerning the project named above for your consideration. The statutory period for the DEQ's review of this project expires on **October 12, 2007**.

We believe that this project is:

☐ routine;

☒ not routine. This proposal is very controversial. The resolution of significant issues identified by the Department of Historic Resources and City of Richmond required the extension of the EIR review process beyond 60 days. (See the **Summary, Conclusion and Recommendation** sections on page 2 of DEQ's Comments)

Virginia Code sections 10.1-1188 et seq. require that any state agency, institution, or branch of government proposing to undertake a "major State project" prepare an environmental impact report. A "major State project" is defined as the construction of a facility costing \$100,000 or more, or the acquisition of land for which construction is contemplated. Based on this report, the Department of Environmental Quality assesses the impact of the proposed project and comments to the Governor within 60 days after receipt of the complete EIR. The Governor's approval of a major State project is required for expenditure of appropriated funds for a project (section 10.1-1190). This approval authority is delegated to the Secretary of Administration by Executive Order 88(01).



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Mr. Carl Purdin, AIA
Assistant Director of Design Services
Virginia Commonwealth University
Facilities Management-Planning and Design
P.O. Box 843000
Richmond, VA 23284-3000

Dear Mr. Purdin:

Pursuant to *Virginia Code* section 10.1-1189 et seq., the Department of Environmental Quality has completed its review of the Environmental Impact Report concerning the construction of the Recreational Sports-Capital Improvements (also known as the Student Recreation Facility Addition) and Acquisition of 911 Green Alley, Monroe Park Campus, Virginia Commonwealth University, City of Richmond (Agency Code 236, Project Codes 17405-001 & 17037-007, DEQ 07-106S). The Department's comments on this project are attached for your guidance. These comments are being reviewed by the Secretary of Administration on behalf of the Governor. The project must be approved by the Secretary of Administration, following her review of these comments, before it may be carried out.

Thank you for the opportunity to review this project.

Sincerely,

John E. Fisher
Environmental Impact Review Coordinator

Enclosures

Mr. Carl Purdin, AIA
Page 2

cc: The Honorable Viola O. Baskerville
Jonathan D. Howe, DPB
W. Michael Coppa, DEB
Lewis R. McCabe, DOA
Paul Kohler, DEQ-ORP
Kelley Harris, DEQ-PRO
Robbie Rhur, DCR
Ethel Eaton, DHR
Mary Stanley, VDOT
Rachel Flynn, City of Richmond
Paul E. Fisher, Richmond Regional PDC



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COMMENTS OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY

concerning the construction of the Recreational Sports-Capital Improvements (also known as the Student Recreation Facility Addition) and Acquisition of 911 Green Alley, Monroe Park Campus, Virginia Commonwealth University, City of Richmond (Agency Code 236, Project Codes 17405-001 & 17037-007, DEQ 07-106S).

The Department of Environmental Quality has determined that the Environmental Impact Report (EIR) for this project (including a June 4, 2007 correction of a typographical error) and the additional information submitted by VCU provide the information necessary for evaluation of the project's environmental impacts. The Department has completed its review. The following agencies, locality and planning district commission joined in this review:

Department of Environmental Quality
Department of Conservation and Recreation
Department of Historic Resources
Department of Transportation
City of Richmond
Richmond Regional Planning District Commission

Project Description

Virginia Commonwealth University (VCU) proposes to renovate the existing Cary Street Gymnasium and construct an addition to the building, which is located at the northwest corner of the block defined by West Cary Street, South Cherry Street, Cumberland Street, and South Linden Street in the City of Richmond. The gym is housed in a building originally built as a farmers market, which later served as the Richmond City Auditorium, and is estimated to be at least 102 years old. The addition would consist of a three-story, 99,836 square foot structure attached on the south and east sides of the existing gym. As originally proposed, construction of the new addition would require the acquisition and subsequent demolition of a former livery stable located at 911 Green Alley and which recently served as a private residence. However, VCU has agreed,

during this review, to move the stable to a different location on the project site in order to preserve the structure. The proposal also would include the demolition of another former stable at 917 Green Alley that is presently owned and used by VCU as a storage facility. Both 911 and 917 Green Alley are located in the Oregon Hill Historic District where they are included as contributing elements of the district. The Oregon Hill Historic District is listed on the National Register of Historic Places and the Virginia Landmarks Register. Finally, to accommodate the footprint of the addition, Green Alley would be closed and a new alley configured to the south of the addition.

Summary

The Department of Historic Resources (DHR) and the City of Richmond worked successfully with the Virginia Commonwealth University to develop mitigation measures in order to offset the adverse effects of the project identified during their review of the EIR. According to the DHR and the City, there are significant deficiencies in the EIR document submitted by VCU to include: the lack of a meaningful alternatives analysis; potential adverse impacts to historic resources; adverse design impacts; and considerable community opposition to the proposal. In order to provide sufficient time to resolve these issues and to reach satisfactory agreements and commitments on future actions, two extensions to the 60-day review period were necessary.

During the extended review period, both the DHR and the City have met with VCU officials and staff to discuss their concerns. DHR and the City have informed DEQ that they are satisfied with VCU's proposed revisions and commitment to continue to work with them to develop appropriate strategies to avoid, minimize, or mitigate the adverse effects of the project. Provided activities are performed in accordance with the recommendations from reviewing agencies, this project is unlikely to have significant effects on ambient air quality, water quality, important farmland, wetlands, historic structures, wildlife, or forest resources. It will not affect species of plants, animals, or insects listed by state agencies as rare, threatened, or endangered.

Representatives from Oregon Hill Community are opposed to the demolition of historic structures, the closure of Green Alley, the location of the addition and its impacts on the historic district. While agency concerns have been satisfied, public participation is not mandated in the EIR law.

Conclusion

Accordingly, the Department of Environmental Quality has no objection to this proposal provided construction activities, and future operations are performed in accordance with all environmental laws and policies of the Commonwealth, and in accordance with the agreements and recommendations herein.

Recommendation: DEQ recommends that VCU consult with the DHR, the City, and Oregon Hill community members before any additional schematic designs are developed for the proposed recreational sports complex. VCU agreed to follow this recommendation.

Project History

2006 Environmental Impact Report (DEQ 06-144S)

This project proposal (not including the acquisition of 911 Green Alley) was originally submitted by VCU to DEQ's Office of Environmental Impact Review (OEIR) in July 2006 under the authority of the Commonwealth's Environmental Impact Report (EIR) law (Virginia Code § 10.1-1188). DEQ-OEIR conducted a coordinated review of the proposal and on October 5, 2006 submitted a response to the Secretary of Administration which detailed a number of concerns expressed by the Department of Historic Resources (DHR) and the City of Richmond (City) with respect to project design and historic resource impacts. DEQ's response included the recommendation that VCU work with DHR and the City to address their concerns as part of the process in developing final design plans. The Secretary of Administration approved the proposal on October 16, 2006 based on VCU's adherence to the recommendations contained in DEQ's response.

Proposed Amendment

In a February 2, 2007, letter (attached) submitted to DEQ-OEIR, VCU proposed certain changes within the footprint of the original plan of development for the proposal. The changes included:

- the elimination of the permanent closing of South Linden Street allowing the street to remain open;
- the reorientation of the proposed addition to the east and south sides of the existing Cary Street Gym;
- the demolition of the buildings at 911 and 917 Green Alley to accommodate the addition on the south side of the existing gym; and
- the realignment of Green Alley south of the proposed addition.

On February 9, 2007, DEQ-OEIR forwarded VCU's letter to DHR and the City for their review and comment in order to determine whether the changes proposed addressed the agencies concerns or raised any new ones, and to determine the need for a new EIR for the amended proposal as provided for under State EIR procedures (Virginia Code § 10.1-1191).

Community Concerns and 911 Green Alley

As the review of the amended proposal proceeded, DEQ-OEIR became aware of significant neighborhood opposition to the project from a neighborhood resident, the Oregon Hill Neighborhood Association (OHNA), and the Oregon Hill Home Improvement Council (OHHIC). These organizations also conveyed their concerns to the Governor's Office, Secretary of Natural Resources, Secretary of Administration,

DHR, Department of General Services, and local news media. The proposal is supported by St. Andrew's Association and the Better Housing Coalition.

Furthermore, another significant issue was identified with respect to the property at 911 Green Alley. Based on information received through a Freedom of Information Act (FOIA) request submitted to VCU by an Oregon Hill resident, DEQ learned that VCU was in the process of acquiring the property. However, an EIR for the acquisition had not been submitted to DEQ as required under Virginia Code § 10.1-1188.

2007 Environmental Impact Report currently under review

On April 24, 2007, DEQ-OEIR informed VCU that the submission of a new EIR reflecting the amended proposal, and including the acquisition of 911 Green was required under the EIR law. Responses received to the amended proposal from DHR and the City were provided to VCU that identified significant issues that needed to be addressed in the new EIR (see Attachment 1). On May 25, 2007, VCU submitted a new EIR for the student recreation center renovation and addition, and the acquisition of 911 Green Alley.

Two extensions to the 60-day review period were necessary in order to provide sufficient time to resolve issues raised by reviewers and to reach satisfactory agreements on future actions and commitments. Final review comments were received by DEQ-OEIR from the City on August 20, 2007 and from DHR on August 21, 2007. As a result of the extension, and in accordance with the EIR procedures, the deadline for submitting DEQ's response to the Secretary of Administration for this proposal is October 12, 2007.

Environmental Impacts and Mitigation

The analysis and recommendations which follow pertain to the modified proposal described in the 2007 EIR. Since the amendments to the proposal occur entirely within the footprint of the original plan of development, the 2007 EIR was provided only to those review agencies whose authorities and programs would be affected by the changes.

1. Historic Resources and Project Design

Summary of Initial Comments from the Department of Historic Resources and the City of Richmond

In its initial comments on the 2007 EIR, the Department of Historic Resources stated that the document was deficient with respect to its alternatives analysis, impacts on historic resources, and the design of the building. Furthermore, the document did not follow the guidance which the agency provided to VCU in their April 27, 2007 letter (attached). DHR's guidance is summarized as Attachment 1 of these comments.

According to DHR, the proposed demolition of 911 and 917 Green Alley, two historic structures contributing to the significance of the Oregon Hill Historic District, would be an adverse effect to this Historic District. In addition, the closure of Green Alley would eliminate this surviving feature of the historic circulation system. DHR also determined that the building, as proposed, would have an adverse visual effect on the Oregon Hill Historic District, specifically the historic residences on Cherry Street (including 130 S. Cherry, a DHR easement property), the historic St. Andrews Housing on Cumberland and Linden Streets, as well as the City Market/Auditorium located within the VCU Monroe Park Historic District. DHR noted that VCU had indicated its willingness to work with the agency in an ongoing design consultation; a collaboration that DHR believes is critical to reduce the impacts of the project. DHR requested that this consultation occur before any additional schematic designs are developed, and that further design consultation should include participation by the City of Richmond as well as Oregon Hill community members.

In its initial response, the City of Richmond expressed concerns with the preferred Option 2 proposal described in the EIR for the following reasons: 1) it required the demolition of two historic structures; 2) it required the closure of a historic public alleyway; 3) it blocked two prominent façades of the Cary Street Gym from public street view; and 4) the design is not entirely compatible with the historic character and scale of the immediately adjoining structures on Cary and Cherry Streets. The City believes this to be a very important building in this part of the campus and strongly recommends that VCU work with the City, the Department of Historic Resources, and the Oregon Hill neighborhood to finalize a design that will serve the campus, the neighborhood and the City overall.

Attachment 2 of these comments provides a more detailed summary of DHR's and the City's initial comments. Based on these comments, VCU met with the DHR and the City to address their concerns. As a result of those discussions, VCU agreed to enter into a formal Memorandum of Understanding (MOU) with DHR to memorialize the mitigation measures agreed upon by the agencies and described in an August 21, 2007 letter to DEQ. VCU commitments are summarized in Appendix 3 of these comments.

Final Comments from Department of Historic Resources and City of Richmond

Department of Historic Resources

DHR responded to VCU's proposal contained in an August 18, 2007 letter (attached) and summarized in Attachment 3. DHR commends VCU's efforts to work with the community and to respond to competing interests and goals. DHR would have preferred to have had multiple options to consider in order to best guide VCU, and the agency encourages the University to work closely with it in the future before project

options are foreclosed. DHR asserts that this is particularly important given the rich historical landscape and tight urban context in which the University operates.

DHR finds that VCU's comprehensive approach reflects an understanding and careful consideration of the project's range of potential and known effects to historic resources. These resources include the State and National Register-eligible Monroe Park Historic District, City Market/Auditorium, Oregon Hill Historic District, and contributing resources on Cherry and Cumberland Streets and Green Alley. DHR applauds VCU's willingness to address that range of effects. Taken together, DHR finds that the stipulations reflect a very significant commitment to address the resources in the project area through appropriate strategies to avoid, minimize, or mitigate effects.

For these reasons, DHR agrees to enter into an agreement with VCU incorporating the stipulations set forth.

City of Richmond

In the City of Richmond's final response, it is noted that one of its recommendations was for VCU to work with the City and other stakeholders in making improvements to the project. VCU and the City met to discuss proposed revisions, and the City believes that these revisions are excellent improvements and reflect a good faith effort on the part of VCU to responsibly address the concerns of its neighbors and partners in this project. The City notes that while all of the revisions are not finalized, it is confident that VCU will continue to work with the City and other interested stakeholders to develop a final product that is significantly improved and that will serve Richmond and the University well.

The City also commended the EIR process as conducted by DEQ-OEIR as a perfect example of why the process is so important. And how, when taken seriously and carried out properly, can have a positive impact and meet the high standards that the Commonwealth seeks.

Community Involvement

As previously described, the Oregon Hill neighborhood through the Oregon Hill Neighborhood Association, Oregon Hill Home Improvement Council, and an active neighborhood resident, have expressed serious concerns with the proposal and have been active in voicing their concerns to DEQ, the Governor's Office, Secretary of Natural Resources, Secretary of Administration, DHR, Department of General Services, and local news media. While the EIR review process does not provide for the direct participation of citizens in State reviews, DEQ-OEIR discussed the community's concerns with VCU and requested that the University respond to the issues raised by community representatives. To this end, on August 24, 2007, VCU provided DEQ-OEIR (August 24, 2007 email, attached) with a list of actions the University will take

to address neighborhood concerns and continue a process with community participation. The University's comments are summarized in Attachment 4.

2. Water Quality and Wetlands. This proposal is not anticipated by DEQ to adversely impact water quality or wetlands. However, to ensure potential impacts to these resources are minimized, DEQ recommends the implementation of the following measures:

- erosion and sediment controls (ESCs) and best management practices (BMPs) be in place and maintained throughout all phases of construction;
- ESCs and BMPs should be inspected and repaired before and after rain events;
- all standards and specifications under the DCR Erosion & Sediment Controls Handbook (1992, 3rd Edition) should be followed; and
- the use of pervious surface areas and green spaces should be maximized in the construction design to reduce the environmental impacts associated with urban runoff.

For additional information, contact Mark Alling, DEQ Piedmont Regional Office, at (804) 527-5021.

3. Erosion and Sediment Control and Stormwater Management. According to the Department of Conservation and Recreation's (DCR's) Division of Soil and Water Conservation (DSWC), for a project on state-owned lands involving a land-disturbing activity of 10,000 square feet or more, VCU must prepare a project-specific Erosion and Sediment Control (ESC) plan for review and approval by DCR. An approved plan is required prior to initiation of any land-disturbing activity at the project site. All regulated activities associated with the project, including on or off site access roads, staging areas, or spoil or borrow areas, must be covered by an approved plan. Further, plans must be prepared in accordance with the current version of the *Virginia Erosion & Sediment Control Handbook*, Virginia Erosion & Sediment Control Law (VESCL) and Regulations (VESCR). Furthermore, VCU must consult with the City of Richmond to confirm local ESC plan requirements. ESC plans should be submitted directly to the James Watershed Office. [Reference: VESCL §10.1-560; §10.1-564; VESCR §4VAC50-30-30; §4VAC50-30-100].

Similarly, if a project on state-owned lands involves a land use conversion activity of 1 acre or more, VCU must prepare a project-specific SWM plan for review and approval by DCR. An approved plan is required prior to initiation of any regulated activities at the project site. All regulated activities associated with the project, including on- or off-site spoil or borrow areas, must be covered by an approved plan. Further, plans must be prepared in accordance with the current version of the Virginia Stormwater Management Law (VSWML) and Regulations (VSWMR). Also, VCU should consult with the City of Richmond to confirm parallel local SWM plan requirements. It is recommended that this project be considered with any other existing or proposed land

use conversion or expansion plans for the property to adequately address the cumulative impacts on the receiving drainage or environmental systems, as well as, to identify the most appropriate strategy for reducing the nonpoint source pollution from the developed and developing areas of the site. VCU may submit a draft plan or other preliminary information to DCR for review and assistance in identifying specific practices, regional strategies, and/or regulatory requirements that may apply to this project. Requests for assistance and plans should also be directed to the James Watershed Office that serves the area where the project would be undertaken. *[Reference: VSWML §10.1-603.5 and 603.7: VSWMR §4VAC-3-20-210-245].*

Furthermore, DCR is responsible for the issuance, denial, revocation, termination and enforcement of VPDES permits for the control of stormwater discharges from MS4s and land disturbing activities under the Virginia Stormwater Management Program. Therefore, for projects involving land disturbing activities equal to one (1) acre or more, VCU or its authorized agent is required to apply for registration coverage under the General Permit for Discharges of Stormwater from Construction Activities. General information and registration forms for the General Permit are available on DCR's website at: <http://www.dcr.virginia.gov/sw/vsmp.htm#geninfo>.

4. Air Quality. DEQ reviewers note that the project site is located in an ozone (O₃) maintenance area and an emission control area for the contributors to ozone pollution. VCU should take all reasonable precautions to limit emissions of VOCs and NO_x, principally by controlling or limiting the burning of fossil fuels.

This project is not anticipated to significantly affect air quality. DEQ acknowledges VCU's commitment in the EIR to keep fugitive dust to a minimum by using control methods outlined in 9 VAC 5-50-60 et seq. of the Regulations for the Control and Abatement of Air Pollution. These precautions include, but are not limited to, the following:

- Use, where possible, of water or chemicals for dust control;
- Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty materials;
- Covering of open equipment for conveying materials; and
- Prompt removal of spilled or tracked dirt or other materials from paved streets and removal of dried sediments resulting from soil erosion.

DEQ agrees with statements in the EIR with regard to project impacts on air quality and proposed mitigation measures to be employed. Permits may be required from DEQ's Piedmont Regional Office for any boilers or fuel-burning equipment such as emergency generators that may be incorporated into the new building.

5. Solid and Hazardous Wastes. DEQ found that both hazardous and solid waste issues and sites were addressed in the report. The Waste Division staff performed a

cursory review of its data files but did not identify any waste site that might impact, or be impacted by, the project.

Wastes that are generated at the site and excavated soil suspected of contamination must be tested and disposed of in accordance with applicable Federal, State, and local laws and regulations. It is VCU's responsibility to determine if a solid waste meets the criteria of a hazardous waste and be managed as such.

All structures that are demolished, renovated, or removed should be checked for asbestos-containing materials (ACM) and lead-based paint (LBP) prior to demolition. If ACM or LBP are found, in addition to the federal waste-related regulations, State regulations 9VAC 20-80-640 for ACM and 9VAC 20-60-261 for LBP must be followed.

All solid wastes generated at the site should be reduced at the source, reused, or recycled. All hazardous wastes should be minimized.

6. Underground Storage Tank and Remediation Issues. DEQ reviewers note that due to the historical uses of parcels located in the area of the site, the agency recommends that necessary precautions should be taken to avoid or minimize potential environmental and health risks. Should petroleum contaminated soils or groundwater be encountered during the sub-surface phases of this project, please contact the Richmond Fire Marshall with any personal safety concerns and report any such contamination to DEQ's Piedmont Regional Office. The disposal of any contaminated soils and groundwater should be done in accordance with DEQ guidelines. Any further questions or concerns regarding this guidance, may be directed to Lisa Elizardo, DEQ-PRO, at (804) 527-5199.

7. Natural Heritage Resources. The Department of Conservation and Recreation's Division of Natural Heritage (DNH) searched its Biotics Data System for occurrences of natural heritage resources in the project area. Natural heritage resources are defined as the habitat of rare, threatened, or endangered plant and animal species, unique or exemplary natural communities, and significant geologic formations.

Biotics documents the presence of natural heritage resources in the project area. However, due to the scope of the activity and the distance to the resources, DCR does not anticipate that this project will adversely impact these natural heritage resources.

Under a Memorandum of Agreement established between the Virginia Department of Agriculture and Consumer Services (VDACS) and the Department of Conservation and Recreation (DCR), DCR has the authority to report for VDACS on state-listed plant and insect species. The current activity will not affect any documented state-listed plant and insect species.

We recommend that VCU contact DCR-DNH at (804) 786-7951, to secure updated information on natural heritage resources if a significant amount of time passes before the project is implemented.

8. Transportation Impacts. The Virginia Department of Transportation (VDOT) reviewed the information presented in the EIR and determined that the proposed action would have no conflicts with current or future constructions projects identified in the Six Year Plan and the 2026 Plan. Any VDOT right-of-way land use needs, lane closures, traffic control or work zone safety issues should be closely coordinated with the City of Richmond and VDOT's Sandston Residency.

9. Local Comments. In addition to the comments previously discussed, the City of Richmond provided information pertaining to standards, specifications, permits and inspections related to utilities such as water, sewer, gas and electrical systems, and project design and construction. These comments will not be repeated here. However, a full text of the City's comments may be found as an attachment to this document.

10. Regional Review. The staff of the Richmond Regional Planning District Commission reviewed the project EIR and has no comments. Questions or comments may be directed to Paul Fisher, RRPDC at (804) 367-6001.

Regulatory and Coordination Needs

1. Historic Resources Impacts and Project Design. It is recommended that VCU continue to work with the Department of Historic Resources (DHR) and the City of Richmond (City) to mitigate identified adverse impacts of the proposal on historic resources and design deficiencies. Specifically, VCU should continue to work with DHR, the City, and the community in carrying out the mitigation measures as defined in the University's August 21, 2007 letter, and the University's commitment to memorializing these measures in a Memorandum of Understanding (MOU) with DHR.

For further discussion and coordination, contact Tonia Horton, DHR at (804) 367-2323, ext. 137, and Rachel Flynn, Richmond Department of Community Development at (804) 646-6310.

2. Erosion and Sediment Control and Stormwater Management. In accordance with the *Virginia Erosion & Sediment Control Handbook*, Virginia Erosion and Sediment Control Law (*Virginia Code* sections 10.1-560 and 10.1-564) and the Virginia Erosion and Sediment Control Regulations (4 VAC 50-30-30 and 4 VAC 50-30-100), VCU must submit an ESC plan for review and approval by DCR. Furthermore, *Virginia Code* 10.1-564 stipulates that state ESC plans for projects on state-owned lands must be consistent with local ESC requirements that are more stringent than the state requirements. The development and submission of ESC plans should be coordinated

directly with John McCutcheon, DCR James-East Watershed Office at (804) 527-4484, and the Richmond Department of Public Works.

Furthermore, SWM plans, if required, must be prepared in accordance with the Virginia Stormwater Management Law (*Virginia Code* section 10.1-603) and the Stormwater Management Regulations (4 VAC 3-20-210 through 3-20-245). It shall also comply, to the maximum extent practicable, with local program technical requirements of the City of Richmond (*Virginia Code* section 10.1-603.7). It is recommended that this project be considered with any other existing or proposed land development, land conversion, or expansion plans in order to adequately address the cumulative impacts on the receiving drainage or environmental systems. Questions should be directed to John McCutcheon, DCR James-East Watershed Office at (804) 527-4484, and the Richmond Department of Public Works.

Also, for projects involving land-disturbing activities equal to one (1) acre or more, VCU is required to apply for registration coverage under the General Permit for Discharges of Stormwater from Construction Activities (4 VAC 50-60-380 and 390). Specific questions regarding the Stormwater Management Program requirements should be directed to Mr. Eric Capps, DCR, at (804) 786-3957, e-mail eric.capps@dcr.virginia.gov.

3. Air Quality Regulation. Construction of the new facility will be subject to regulation by the Department of Environmental Quality. The state air pollution regulations that may apply to the construction phase of the project are: fugitive dust and emissions control (9 VAC 5-50-60 *et seq.*) and open burning restrictions (9 VAC 5-40-5600 through 5645). Fuel burning equipment such as boilers, heaters, and generators may require air permits depending on the size of the unit. For additional information, please contact James Kyle, DEQ-PRO at (804) 527-5047.

4. Solid Waste and Hazardous Substances. All solid waste, hazardous waste, and hazardous materials must be managed in accordance with all applicable federal, state, and local environmental regulations. Applicable state regulations include:

- Virginia Waste Management Act (Code of Virginia Section 10.1-1400 *et seq.*);
- Virginia Hazardous Waste Management Regulations (VHWMR) (9VAC 20-60);
- Virginia Solid Waste Management Regulations (VSWMR) (9VAC 20-80); and
- Virginia Regulations for the Transportation of Hazardous Materials (9VAC 20-110).

Applicable federal regulations are:

- Resource Conservation and Recovery Act (RCRA) (42 U.S.C. Section 6901 *et seq.*), and the applicable regulations contained in Title 40 of the Code of Federal Regulations; and

- U.S. Department of Transportation Rules for Transportation of Hazardous Materials (49 CFR Parts 107, 171.1-172.558).

Contact Rob Timmins, DEQ-PRO at (804) 527-5161, concerning the location and availability of suitable waste management facilities in the project area or if free product, discolored soils, or other evidence of contaminated soils are encountered.

Asbestos Containing Material

It is the responsibility of the owner or operator of a demolition or renovation activity, prior to the commencement of the activity, to thoroughly inspect the affected part of the facility where the demolition or renovation operation will occur for the presence of asbestos, including Category I and Category II nonfriable asbestos containing material (ACM). Upon classification as friable or non-friable, all waste ACM shall be disposed of in accordance with the Virginia Solid Waste Management Regulations (9 VAC 20-80-640), and transported in accordance with the Virginia regulations governing Transportation of Hazardous Materials (9 VAC 20-110-10 et seq.). Contact the DEQ Waste Management Program for additional information, (804) 698-4021, and the Department of Labor and Industry, Ronald L. Graham at (804) 371-0444.

Lead-Based Paint

This project must comply with the U.S. Department of Labor, Occupational Safety and Health Administration (OSHA) regulations, and with the Virginia Lead-Based Paint Activities Rules and Regulations (9VAC 20-60-261). For additional information regarding these requirements contact the Department of Professional and Occupational Regulation, David Dick at (804) 367-8588.

5. Leaking Underground Storage Tank and Site Remediation Issues. If during the sub-surface phases of this project any USTs or petroleum contaminated soils or groundwater are encountered, contact the City of Richmond Fire Marshall with any personal safety concerns and report any such contamination to DEQ's Piedmont Regional Office. The proper disposal of any contaminated soils and groundwater should be coordinated with DEQ-PRO, Lisa Elizardo at (804) 527-5199.

6. Local Coordination. For additional information and coordination pertaining to standards, specifications, permits and inspections related to utilities such as water, sewer, gas, and electrical systems, please reference the appropriate City of Richmond departments and contacts below:

- Department of Public Works

Right of Way Management. The division administers impacts related to right-of way, drainage management, or storm sewer conveyance. For additional

information and coordination, contact Johnnie Butler, DPW, at (804) 646-7387.

Traffic Engineering. The division administers traffic signal systems, road plans, alternative transportation plans, traffic management plans, and temporary road impacts. For additional information and coordination, contact Vanloan Nguyen, at (804) 646-0442.

- Department of Public Utilities

All plans, designs, and installations should be conducted pursuant to the City's standard guidelines, specifications, and details for water, sewer, gas, and electrical systems. For additional information and coordination, contact Roger McClung, DPU, at (804) 646-3045.

- Department of Community Development

Land Use Administration. For land use issues, please contact Paul Holt, at (804) 646-5207.